

REMARKS

Claims 1-68 are pending and have been restricted under 35 U.S.C. § 121 into the following groups:

Group I: Claims 1-5 and 28-33, drawn to an isolated agent, or pharmaceutical composition or composition thereof, comprising a core peptide or core structure selected from the group consisting of: core peptides 5 through 39 and 42 through 55 or TPI numbers or figures in the claims;

Group II: Claims 6-7, drawn to a complex comprising an IAP bound to peptides and/or structures like Group I and also TPI759 (Figure 8), TPI 882 (Figures 7/10), TPI914 (Figures 4/5), or TPI927 (Figures 6/9);

Group III: Claims 8-12 and 43-50, drawn to a method of derepresssing an IAP-inhibited caspase comprising the use of peptides and/or structures;

Group IV: Claims 13-16, drawn to a method of promoting apoptosis in a cell, using peptides and/or structures;

Group V: Claims 17-22, 34-36, 51-63 and 64-68, drawn to a method of reducing the severity of a pathologic condition of cancer using peptides and/or structures;

Group VI: Claims 17-22, 34-36 and 51-63, drawn to a method of reducing the severity of a pathologic condition of psoriasis using peptides and/or structures;

Group VII: Claims 17-22, 34-36 and 51-63, drawn to a method of reducing the severity of a pathologic condition of hyperplasia using peptides and/or structures;

Group VIII: Claims 17-22, 34-36 and 51-63, drawn to a method of reducing the severity of a pathologic condition of autoimmune disease using peptides and/or structures;

Group IX: Claims 17-22, 34-36 and 51-63, drawn to a method of reducing the severity of a pathologic condition of restenosis using peptides and/or structures;

Group X: Claims 23-27, drawn to a method of identifying an agent that derepresses an IAP-inhibited caspase using peptides and/or structures comprising detecting a labeled derepressor of an IAP-inhibited caspase bound to an IAP or caspase;

Group XI: Claims 37 and 39-42, drawn to a method for identifying an agent that derepresses an IAP-inhibited caspase using peptides and/or structures comprising contacting a BIR2 domain; and

Group XII: Claims 38 and 39-42, drawn to a method of identifying an agent that derepresses an IAP-inhibited caspase using peptides and/or structures comprising detecting a labeled derepressor of a BIR domain-inhibited caspase.

The Examiner requests that one of the groups of claims be elected for examination. Although the Restriction Requirement is traversed for the reasons set forth below, Applicants elect the claims of Group I, claims 1-5 and 28-33, for examination.

The Examiner has further requested that a specific core peptide or structure be elected. Applicants elect the structure TPI-927.

The Restriction Requirement is traversed with respect to the division of the claims of Group I from the claims of Group II. While the claims of Groups I and II are patentably distinct, it is submitted that a thorough search of the claims of either group will likely reveal art relevant to the examination of the claims of the other group. In particular a search of the agents of Group I will, of necessity, reveal information relevant to the examination of the claims of Group II since the complexes of Group II include agents of Group I. Therefore, division of the claims into these groups would result in duplicative searches. Therefore, examination of the claims of Group I with the claims of Group II together should not be an undue burden on the Examiner.

The Examiner has additionally requested that a species election be made. Applicants elect the species of caspase-3 as the XIAP-inhibited caspase. The claims readable on the elected species include claims 1-5 and 28-33.

Applicants elect the claims of Group I, claims 1-5 and 28-33, for examination. Applicants respectfully request that the Restriction Requirement be reconsidered and that the

claims of Group I be examined with the claims of Group II. Applicants further elect the species of caspase-3 as the XIAP-inhibited caspase. The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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